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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
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15 PETER FRANKL and JOHN DECKARD,

16 Plaintiffs,

17 v.

18 NETOPIA, INC. and ALAN LEFKOF,

19 Defendants.
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Case No. C07-80195 MISC MHP (EMC)

**NOTICE OF WITHDRAWAL OF
MOTIONS**

Date: October 3, 2007
Time: 1:00 p.m.
Courtroom: C
Floor: 15th

1 PLEASE TAKE NOTICE that Defendant Netopia, Inc. and the Audit Committee of Defendant
2 Netopia, Inc. hereby withdraw: (1) Motion of the Netopia Audit Committee to Quash or Modify
3 Subpoena Duces Tecum (Docket No. 1); and (2) Motion of Netopia, Inc. to Quash or Modify
4 Subpoenas (Docket No. 6). The hearing set for October 3, 2007, at 1:00 p.m. in Courtroom C, 15th
5 floor of the above-entitled Court, located at 450 Golden Gate Avenue, San Francisco, California 94102,
6 will no longer be necessary to hear argument on these motions.

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8 Dated: October 1, 2007

AKIN GUMP STRAUSS HAUER & FELD LLP

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10 By / Roland Juarez /s/
11 Roland M. Juarez
12 Attorney for Netopia, Inc. and Alan Lefkof
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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2029 Century Park East, Ste 2400, Los Angeles, CA 90067. On October 1, 2007, I served the foregoing document(s) described as: **NOTICE OF WITHDRAWAL** on the interested party(ies) below, using the following means:

Plaintiffs Peter Frankl and John Deckard
 c/o Wade L. McClure
 Gibson, McClure, Wallace & Daniels, LLP
 8080 N. Central Expressway, Suite 1300, LB 50
 Dallas, Texas 75206

☐ BY PERSONAL SERVICE I delivered such envelope(s) by hand to the offices of the addressee(s).

☐ BY UNITED STATES MAIL I enclosed the documents in a sealed envelope or package addressed to the respective address(es) of the party(ies) stated above and placed the envelope(s) for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid at Los Angeles, California.

☐ BY OVERNIGHT DELIVERY I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the respective address(es) of the party(ies) stated above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☐ BY MESSENGER SERVICE I served the documents by placing them in an envelope or package addressed to the respective address(es) of the party(ies) stated above and providing them to a professional messenger service for service.

☐ BY FAX Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the respective fax number(s) of the party(ies) as stated above. No error was reported by the fax machine that I used. A copy of the record of the fax transmission(s), which I printed out, is attached.

☒ BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 1, 2007 at Los Angeles, California.

Tracy Howe

[Print Name of Person Executing Proof]

/ Tracy Howe /s/

[Signature]